

REMARKS

This Supplemental Amendment is submitted as stated in the Amendment submitted February 24, 2003.

Claims 1-40 are pending in this application.

In the Office Action, claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,096,040 to Esser. Claims 8-13 and 17-39 stand rejected as being anticipated by U.S. Patent No. 6,305,938 to Branemark. Claims 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Branemark in view of Esser.

The Applicant notes with appreciation the allowance of claims 1-6 and 40.

With regard to the new grounds for rejection of claims 7-39, however, the Applicant respectfully submits that the patents to Esser and Branemark are not valid references under 35 U.S.C. 102(e). The subject matter of rejected claims 7-39 is claimed in at least one of the priority documents to the present application. The priority documents to the present application are DE 198 08 628 A1 and DE 197 29 222 A1, the priority dates of which both predate the critical dates under 35 U.S.C. 102(e) of the Esser and Branemark references.

Applicant submits herewith a literal translation of DE 198 08 628 A1, which includes the subject matter of the earlier filed DE 197 29 222 A1. This translation reveals that the subject matter of rejected claims 7-39 is disclosed and claimed in the priority document, which predates both new references. Claims 1 – 22 of the priority document were rewritten as claims 7 – 39 in the U.S. application in order to comply with

the U.S. filing format, and the disclosure of the priority document corresponds almost exactly to that of the present application.

In light of the foregoing remarks in support of patentability, and the translation of priority document 198 03 628.0 submitted herewith, the Applicant respectfully requests withdrawal of the rejection of the claims for the reasons set forth above and in the Amendment filed February 24, 2003.

The Applicant respectfully submits that this application now stands in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss any remaining issues.

Respectfully Submitted,



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